

REMARKS

In response to the objection to the specification, section headings have been inserted in the specification by the present Amendment.

In response to the objection to claims 2-12 under “Claim Objections” on page 2 of the Office Action, the applicants point out that either “A sheet flashing” or “The sheet flashing” is acceptable. However, in order to resolve the issue, “A sheet flashing” has been changed to “The sheet flashing” in each of claims 2-12. In addition, “further” has been inserted before “comprising” in claim 10.

The phrases objected to by the Examiner in the rejection of claims under 35 USC 112 as being indefinite have been changed. More specifically, “characterized” has been changed to “wherein” in claim 1. In the third line from the bottom of claim 1, “may be separated” has been changed to “is separable”. At the end of claim 2, “etc” has been deleted, and the claim now ends with “row of dots or line sections”. At the end of claim 7, “thereby can be removed” has been changed to “is able to be removed”. In claim 10, “can be adapted” has been changed to “is adapted”.

The rejection of claims 1-12 under 35 USC 103 as being obvious over the Sonneborn et al. reference (US 4,543,753) in view of the Williams reference (US 6,401,402) is no longer made. Instead, the Examiner rejects claims 1-12 under 35 USC 102 on the ground that all of the subject matter of the claims is disclosed in the Williams reference. Reconsideration is respectfully requested.

The Examiner states at the top of page 6 of the Office Action that the arguments

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presented in the Remarks of the response to the first Office Action are moot in view of the new ground of rejection. However, the applicants point out that those arguments relate to claimed features that are not disclosed in the Williams reference and, since the Examiner now relies entirely on the Williams reference, those arguments are pertinent to the present rejection. Therefore, the Examiner should have replied to them. More specifically, in the present Office Action, the Examiner repeats contentions about the disclosure of the Williams reference that were refuted by the arguments in the previous response, and yet, in the current Office Action, the Examiner made no reply to those arguments.

As in the previous Office Action, the Examiner contends in the current Office Action that Williams discloses a corner segment comprising at least one indication (30) indicating a pattern, such that at least a part of the sheet section may be separated from the remaining part of the flashing member along the indications in order to transform the respective corner segment from an initial state to a transformed state. In making the rejection in the previous Office Action, the Examiner indicated parenthetically that he considered moving part of the sheet section of Williams out of the plane of another section (25H) to constitute separating a part of the sheet section from the remaining part of the sheet section. The present Examiner does not express an understanding of “moving part of the sheet section” that is any different from the understanding of the previous Examiner. The applicants point out, as they did in the Remarks the Examiner says are moot, that no separation between any of the parts of the sheet section takes place. The parts are not separated from one another in any way, even partially. The parts remain as fully connected to one another after folding as they do before folding. The American Heritage® Dictionary of the English Language: Fourth Edition defines the verb “separate” as “To set or

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keep apart; disunite”. Similarly, the Merriam-Webster Online Dictionary defines the verb “separate” in pertinent part as “to set or keep apart: DISCONNECT, SEVER”. No part of the sheet section of Williams is set apart, disunited, disconnected or severed from any other part. Thus, Williams does not describe or hint at separating any part of a sheet from any other part and, therefore, does not disclose this feature of claim 1.

Furthermore, the applicants point out, as they did in the Remarks the Examiner says are moot, that Williams does not suggest any reason for separating any part of a sheet from any other part. Separating a part of a sheet from another part, for the purpose of adaptation to different installation situations, is neither described nor hinted at. In the current application, it is clearly stated that the purpose of separating material is to allow a standard flashing member to be adapted for several different uses (see e.g. page 3, lines 25-29). On the contrary, Williams is concerned solely with the making of folded standard components, which are not multifunctional, but are intended for use either at the right-hand side or at the left-hand side of a window (see e.g. column 1, line 66 – column 2, line 3). Accordingly, it is submitted that claim 1 is allowable over Williams, and that the dependent claims are allowable with claim 1.

Furthermore, at least some of the dependent claims further distinguish the present invention over the prior art. For example, claim 3 recites that each indication (22, 32, 34, 38) comprises a weakening section. The applicants point out, as they did in the Remarks the Examiner says are moot, that Williams does not disclose or suggest a weakening section, but only a marking, such as at 29 and 30, where folds will be made (column 3, lines 18-20). In the Office Action, reference is made to column 3, lines 62-65 of Williams, which says that "A diagonal fold along crease line 30 is followed by stapling...", but there is nothing to suggest, that

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this line should be pre-made. On the contrary, as is described in the specification of Williams (see e.g. column 3, lines 26-27), the crease line is made by an initial bending intended for guiding the subsequent folding of the flashing member and this may thus be seen as a sub-process of the folding process.

Claim 6 recites the weakening sections comprising a longitudinally extending cord member accommodated in the corner segment. This is described in the specification at page 8, line 32 – page 9, line 4, where it is also indicated that this corresponds to the principle used in connection with, for example, cans for food, biscuit packages, etc. According to the previous Office Action, a longitudinally extending cord member accommodated in the corner segment is known from Fig. 1, reference numbers 28, 29 and 30 of Williams, but the applicants point out, as they did in the Remarks the Examiner says are moot, that they have been unable to find any basis for this assertion that the recited feature is known from Fig. 1, reference numbers 28, 29 and 30 of Williams. The reference numbers cited by the Examiner are used in Williams only for dashed lines and crease lines.

Claim 7 recites that the pattern defines one or more indications delimiting an area (26, 37) of an end portion (20, 30) which, when separation has taken place, can be removed. The applicants point out, as they did in the Remarks the Examiner says are moot, that Williams says nothing about the removal of material. Furthermore, although the Examiner states that the area between lines 29 and 30 can be removed, Williams discloses no separation and further discloses that the area between lines 29 and 30 is not separated (Figs. 3-5; column 3, lines 60-65). The suggestion by the Examiner that a piece of material delimited by the lines 29 and 30 could be removed is not suggested by Williams and is clearly a case of hindsight.

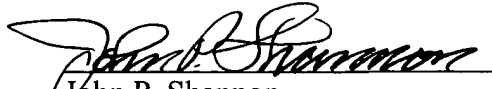
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In view of the foregoing, it is submitted that all of the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0562.

Respectfully submitted,

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